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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,335	01/14/2004	Gregory R. Hauler	LAC03 P326	3454
277	7590	08/03/2005	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			JULES, FRANTZ F	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action SummaryApplication No. **62**

10/757,335

Applicant(s)

HAULER, GREGORY R.

Examiner

Frantz F. Jules

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-15, 17-24, 27-31 and 33 is/are rejected.
- 7) ☒ Claim(s) 4-8, 16, 25, 26 and 32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/14/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 9-24, 27-31, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubost (US 5,249,845) in view Nielson et al (US 5,297,854).

Claims 1, 3, 9-19, 21-24, 27-31 and 33

Dubost discloses a wheel cover assembly comprising a wheel clad assembly, comprising a body member (2) having an outer surface and an inner surface opposed across the body member from the outer surface; and at least one elongated tubularly-shaped extension (4) comprising a first material and having an inner surface, a proximal portion connected to the body member, a distal portion extending in a direction away from the inner surface of the body member, and at least one irregularity (14a, 15a) spaced along a length of the distal portion of the at least one extension; and at least one tubularly-shaped insulating sleeve (9) comprising an outer surface that abuts the inner surface of the at least one extension and includes an edge portion that closely receives the irregularity of the distal portion of the at least one extension therein, thereby preventing removal of the at least one sleeve (9) from within the at least one extension in an axial direction, wherein the edge portion is adapted to engage a vehicle wheel, thereby assembling the

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wheel cover assembly with the vehicle wheel, and wherein the sleeve is adapted to thermally insulate the wheel clad assembly from the vehicle wheel.

Dubost teaches all the limitations of the claims except for a wheel cover assembly comprising an insulative sleeve including a plurality of fingers and made of a second material different from the extension. The general concept of providing an insulative sleeve including a plurality of fingers and made of a second material different from the extension is well known in the art as illustrated by Nielson et al which disclose the teaching of an insulative sleeve (14) including a plurality of fingers (18) and made of a second material different from the extension as disclosed in col 1, lines 50-53. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dubost to include the use of an insulative sleeve including a plurality of fingers and made of a second material different from the extension in his advantageous wheel cover assembly as taught by Nielson et al in order to prevent failure in the wheel cover retention by strengthening the plastic extension member while facilitating installation of the wheel cover.

Claims 2 and 20

Regarding using a sleeve comprising stainless steel as recited in claims 2 and 20, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dubost and Nielson et al to include the use of a sleeve comprising stainless steel in his advantageous system, as wheel cover insert selection is a common and everyday occurrence throughout the wheel cover design art and the specific use of a

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wheel cover comprising stainless steel would have been an obvious matter of design preference depending upon such factors as the loading imposed on the wheel cover, the yield strength of the sleeve material, the operating speed of the vehicle; the ordinarily skilled artisan choosing the best stress profile corresponding to a particular loading imposed on the wheel cover which would most optimize the cost and performance of the device for a particular application at hand, based upon the above noted common design criteria.

Allowable Subject Matter

3. Claims 4-8, 16, 25-26 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

DiMarco, Price et al, and Ladoucer are cited to show related wheel cover with insert.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

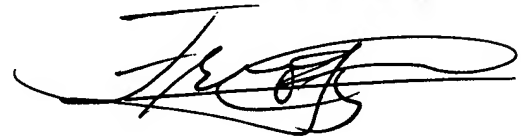
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

June 7, 2005

**FRANTZ F. JULES
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', with a long horizontal flourish extending to the right.